

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
NOVEMBER 12, 1976, IN THE FACULTY
CONFERENCE ROOM, SIXTH FLOOR,
LISNER HALL

- 1 The meeting was called to order by President Elliott at 2:15 p.m.

Present: President Elliott, Registrar Gebhardtshauer, Parliamentarian Schwartz, Amling, Cottrell, Ferster, Fox, Griffith, Jones, Kirsch, Kurtz, Linton, Morgan, Pierpont, Plotz, Reesing, Rockoff, Schiff, Schmidt, Smith, Solomon, Stevenson, Vontress, and Wood

Absent: Provost Bright, Adams, Birnbaum, Cassidy, Davison, C. Elliott, Ginsburg, Kramer, Kyriakopoulos, Liebowitz, Sapin, Snodgrass, Tillman, and Vail

- 2 The minutes of the regular meeting of October 8, 1976, were approved as distributed.

- 3 On behalf of the Executive Committee, Professor Morgan reported on the Board of Trustees' action with respect to the recommended revision of the Faculty Code. He said the Code revision recommended by the Faculty Senate was accepted by the Board October 21, 1976, with five amendments to the following sections: (1) Page 2, Paragraph 4. Research Staff; (2) Page 15, Section XI. Health Service, Paragraph B; (3) Page 22, Paragraph D. Faculty Participation in Action Concerning Curriculum; (4) Page 26, Paragraph 6) under Procedures for Implementation of Article X of the Faculty Code; and (5) Page 30, Paragraph 5. Attorneys' Fees and Expenses [the amendments are attached hereto and made a part of these minutes]. Professor Morgan commented on the amendments as follows: Amendment No. 1 - the words "by the Board of Trustees" were stricken to make the appointment of research staff consistent with other faculty appointments since formal action by the Board is not involved in the appointment of faculty members although it is in the case of promotion and tenure decisions; Amendment No. 2 - the facilities of the Emergency Room were substituted for Health Clinic because it was not clear what "Health Clinic" originally meant and any emergencies involving faculty members are now treated in the Emergency Room of the hospital; Amendment No. 3 - Faculty Participation in Action Concerning Curriculum - although the language as changed appears weaker, it does not necessarily have to be construed that way. The mechanism for faculty participation in action concerning curriculum is clearly stated and that mechanism will be as effective, in my judgment, as the faculty wishes to make it. Amendment No. 4 - the concern that resulted in this change was that the Hearing Committee should itself, regardless of motions from the parties, be able to determine that it is in the best interest of the University and the parties that the hearings be closed; and Amendment No. 5 - there are two changes of significance: first, to make reimbursement dependent upon the faculty member's prevailing in the action, and, second, that when a faculty member prevails in an action brought against him, reimbursement for all or part of attorneys' fees and expenses be made upon recommendation by the Hearing Committee. Professor Morgan, in concluding his report on the new Code, said that most of the really significant changes that the Senate recommended in the revised Faculty Code were adopted by the Board of Trustees.

Professor Schiff asked about the meaning of Amendment No. 2 concerning Health Service because it now stated that faculty members, like any other persons, would be entitled to receive Emergency Room care, and he wondered if there was some implication that faculty members would receive some sort of special attention. Professor Morgan replied that he didn't know the answer to that question, but he doubted that the amendment implied anything in particular. Professor Wood suggested that perhaps the University's insurance carrier might pay for the cost of emergency room care, and that maybe this could be looked into and reported at the next Senate meeting. Professor Griffith said that it seemed to him that the original language referred to the Student Health Service where he had received emergency care in the past on a cost-free basis, and he thought perhaps the implication of this amendment might be that any care received in the Emergency Room would not be on a cost-free basis, so that the original intent would have been lost by this amendment. Professor Morgan said that it was his understanding that there has been consistent effort to take non-student health matters out of Student Health Service, and that the language in the old Code specifically stated that "such medical services shall be limited to necessary first aid" which would indicate that the kind of assistance Professor Griffith received at the Student Health Service was not provided for in the Code. President Elliott said that he thought that the Student Health Service was not equipped to render emergency treatment and that if a faculty member required such treatment, he or she would be referred to the Emergency Room anyway. Professor Morgan said he would look into the matter and report back to the Senate.

Professor Griffith asked, in reference to Resolution 76/5, adopted, as amended, by the Senate at its last meeting concerning grievance procedures for students alleging discrimination, if the Senate would receive a copy of the procedures as finally approved. Assistant Provost Phelps indicated that the final document would be distributed to members of the Faculty Senate.

- 4 Professor Rockoff, on behalf of the Committee on Administrative Matters as They Affect the Faculty, moved adoption of Resolution 76/6, "A Resolution Concerning Faculty Retention, Tenure, and Promotion Recommendations," and Professor Vontress seconded. Professor Rockoff stated that it was the intent of the committee to incorporate in this resolution an orderly and uniform process for all departments within the University to use in informing faculty members of their retention, tenure, and promotion with an opportunity and requirement for a certain degree of dialogue between the faculty at the departmental or school level concerning the decisions that are recommended. He said that the committee recognized that various departments have varying amounts of contact with certain members of their faculty and, therefore, legislating the exact time period for such dialogue should be a matter of departmental prerogative. Professor Kirsch, Chairman of the Appointment, Salary and Promotion Policies Committee, said he would like to offer an apology to Professor Rockoff for not having informed him earlier of his committee's response to the copy of the draft resolution sent to the committee. He said that the committee had met on short notice and discussed the merits of this resolution, but that the notes of that meeting had been misplaced; however, Professor Kirsch said that the committee had two recommendations to make: (1) that in Paragraph 1, a sentence should be added which would indicate that all the evaluation records should be accessible to the faculty, such as the faculty performance form that is submitted by the faculty member to the department head and then forwarded to the dean; and (2) that in Paragraph 2, fourth line, the word "school" should be deleted and the word "department" be substituted therefor. Professor Rockoff replied that with respect to the first recommendation, as far as he knew, the faculty performance form with the comments of the department forwarding it is now available to the faculty member. With respect to the second recommendation, Professor Rockoff said that after the departmental chairman discusses the action taken by the department with the faculty member (indicated in Paragraph 1), this recommendation is then forwarded in certain schools to the dean or Vice President

for Medical Affairs, or the presiding officer, and at that point that person might concur or not concur with the recommendation of the department. Paragraph 2 intended that, at this point, there should be another opportunity for review of the situation before it is forwarded to the Provost. Professor Rockoff said that this resolution provides an opportunity for feedback to the faculty member at the departmental level, at the administrative level - school or college - and then final action by the Provost.

Professor Jones said that the resolution contained no provision for review at the level of the Provost, and Professor Rockoff responded that he thought existing procedures provide the faculty member with the right of appeal from the Provost's decision. Professor Jones said he had many broad-ranging questions regarding this resolution: for example, what the present rationale is that suggests that the Provost alone is able to act definitively on contracts that are made with people and whether the new arrangement would in any way reduce the participation of the deans in the process of making a broadly-ranged recommendation about appointments in individual departments. Also, Professor Jones said that if the intent of this resolution was to offer the faculty member a more viable position in participating in decisions affecting his career, then should it not address the possibility of the faculty member having the right to submit material and to appear before the committee of the department before a recommendation was made to the dean; and, further, did the phrase "and then to give the opportunity for the appropriate participation by the faculty member under consideration in these processes," appearing in the WHEREAS clause, mean that the faculty member comes in only after the departmental decision has been made and then has the right to participate at the dean's level, or did it mean that he has the right to participate at the departmental level in discussions concerning his own situation? Professor Jones said he was also concerned about the difference between "being informed" and "discussing the status" of a recommendation since one can be told that his or her re-appointment has been either recommended or not recommended, which is discussing the status of the matter but not really discussing substantive issues at all. Also, he said he would like to ask the Chairman of the Executive Committee whether it is not in the Code that decisions are communicated from the Provost and, if that is the case, whether this resolution would be in effect an alteration of the Code. Professor Morgan responded that the new Code provides under Section IV. Appointment, Reappointment, Tenure, and Promotion, Paragraphs 1.a) and b) that "New faculty appointments shall be made by a letter signed by the appropriate corporate officer of the University. . ." and "Tenured members of the faculty and faculty members whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on or about April 1, of salary and of changes in rank or of other terms and conditions of service for the next academic year." Professor Jones said that he would like to know where it is that instructions are provided that communications to the faculty members shall be only after consultation at every level and from the Provost. Professor Schiff said that the Department of Biology recently set up an entirely new procedure for formalizing the promotion process, and it was the Department's interpretation of the Code that appointments must be made through the appropriate administrative officer of the University, but that this did not preclude a departmental chairman, for example, telling a faculty member that his department had recommended or had not recommended him for promotion or tenure. Professor Morgan said that the practice of notification of a faculty member concerning retention, promotion, and tenure for the ensuing academic year varies significantly from one school or college to the next; in some instances, the departmental recommendation is, in fact, communicated to the faculty member at approximately the same time that that recommendation is sent to the dean; in other instances, the same communication occurs but not formally; and in other instances, nothing is communicated to the faculty member until he or she receives the Provost's letter in April. This widely varying practice of notification, he said, was of particular concern to the Executive Committee because of its experience in dealing with various

faculty grievance cases. In some instances an apparently legitimate grievance could not be initiated until the actual decision that was being challenged was really six or seven months old. This happened because of the time lapse between the actual decision and the formal decision and notification of the faculty member. Consequently, there have twice been examples of formal handling of a grievance that was, at the time it was dealt with, almost two years old. Concern over this situation prompted the charge to Professor Rockoff's committee by the Executive Committee to determine if there wasn't some uniform method by which a faculty member could be kept well-apprised of his or her situation from one year to the next to avoid recurrence of this problem. Professor Morgan said that, while there were some unanswered questions regarding this particular resolution, he thought it would be well to put the concern in perspective and then deal with it as the Senate wished. Further discussion followed by Professors Rockoff, Jones, and Fox. Professor Vontress said that other members of the administration of the University had reacted favorably to this resolution and that it was designed to encourage good supervisory practices. He said it must be recognized that some people filling positions of chairmen and deans are not the kinds of supervisors that one might find in other places, such as government and business, where open communication in supervision is a significant factor, and that this resolution has a great deal to do with communication. He said it did not in any way violate the Faculty Code, but would enhance morale and growth in the department or in the school. Dean Linton then made the following statement:

Well, of course, I can only approve of those who believe that deans and departmental chairmen are not like the supervisors one finds in government and industry -- at least, I pray God they are not. As to the Resolution, I am doing what Dr. Rockoff has wisely advised, and am reading it very carefully. As a result, I realize that I, as dean of a college, am not involved, since the limiting word throughout the Resolution is "school." But even if Columbian College were involved, I have a number of questions. For one thing, I don't understand the Resolution; and for another I don't see how what I do understand would work. For example, in paragraph 1, it requires that "each" faculty member be told by the department what its recommendation is, before that recommendation goes to the dean. The problem here is timing. Faculty personnel reports come out and are distributed in October. By constant work and keeping at it, the reports can be completed within a reasonable period of time. But if each department must communicate with each member of its faculty and inform them of the department's recommendation, before the reports are sent to the dean, weeks of delay will intervene. Furthermore, this would eliminate a period of very constructive, informal, and friendly discussion between departmental chairmen and dean, if their views differ, perhaps leading to an early resolution and to agreement. What often would have been a confrontation of conflicting views between department and dean is removed. It could not be so if the faculty member under discussion has already been informed of the department's preliminary recommendation. The Resolution would prohibit such constructive discussion, and guarantee confrontation. Furthermore, "the final recommendation within the school shall be communicated to the faculty member by the appropriate person" -- that is, the dean. That means that, before turning over my recommendations to the Provost, I must have interviews with every member of the College faculty (two or three hundred), further multiplying the opportunities of confrontation and setting differences in concrete. In sum, the procedures required would immeasurably increase the amount of time necessary to accomplish these things without in any degree enhancing or protecting the faculty member's rights. I have many other questions, and I can only say again that I am grateful that (by the terminology of the Resolution) the College is not involved.

Professor Stevenson said that he thought there were three things this resolution ought to accomplish. He said it should assure that the faculty member is kept well-informed about his or her progress by the appropriate administrative personnel; that the Personnel Committee or Promotion Committee make a recommendation on promotion or tenure in October or November and that the faculty member involved be informed of that recommendation at the time it is forwarded to the dean; and that the faculty member who is being considered for promotion or tenure be given the opportunity to present to the department or school, in writing, his lists of publications, University service, and so forth. Professor Stevenson said he objected to the present wording of the resolution in that it strongly implies that the faculty member is being given rights so that the faculty member can litigate his or her position at each step of the process, and that since the Code provides very lengthy grievance procedures which ought satisfactorily to resolve any legitimate grievances, he didn't think the litigation process needed to be further expanded as this resolution appeared to do. Professor Stevenson recommended that the resolution be remanded back to committee with instructions to redraft it to avoid implications of litigiousness. Professor Fox said that he supported the resolution and thought it important that it be passed now. He said that he thought the resolution clearly provided three distinct steps for keeping the faculty member informed of his or her progress without weakening the hands of the deans or the Provost. Further discussion followed by Professors Griffith, Ferster, Morgan, Wood, Rockoff, Reesing, Fox, Stevenson, Jones, Kirsch, Vontress, Schmidt, Kurtz, and Dean Linton. Professor Schiff moved to remand Resolution 76/6 back to committee and the motion was seconded. The question was called and the motion was passed.

5 Professor Morgan, on behalf of the Executive Committee, proposed the following nominees for election to a Special Committee in the case of Chei-Min Paik, Associate Professor, Department of Accounting, School of Government and Business Administration: Presson S. Shane, Professor of Engineering Administration, Chairman; C. Y. Hsieh, Professor of Economics; and Lewis A. Schiller, Professor of Law. There were no nominations from the floor and the nominees were elected. Professor Cottrell asked which Code would govern faculty grievance procedures now that a new Code had been adopted. Professor Morgan responded that, according to the interpretation of the Provost's Office as he understood it, the new Code would govern faculty grievance procedures unless the grievance was initiated prior to the adoption of the new Code, in which case, the old procedures would be followed. However, he said, if the grievance was initiated after the adoption of the new procedures but involved something that happened before the new procedures were adopted, then perhaps there would be a choice between the old and the new procedures.

6 On behalf of the Executive Committee, Professor Morgan moved the nomination of Joseph W. Fleck, Associate Professor of Education, for election to the Committee on University Objectives. Professor Fleck was unanimously elected to this Committee.

7 Under Brief Statements Professor Morgan said that three members of the Senate, namely, Professors Davison, Cassidy, and Kyriakopoulos, had informed him earlier they would not be present at the Senate meeting because of unexpected other commitments which had developed. Professor Morgan said he wanted to call the Senate's attention to the fact that the Faculty Organization Plan Review Committee for 1976 was to be established in the fall semester and that a communication from him, on behalf of the Executive Committee, under date of September 7, 1976, was sent to the deans of the colleges and schools requesting that elections of representatives to the Review Committee be conducted. To date, he said, three schools have not responded to this communication - School of Education, School of Engineering, School of Medicine - and until he has received the names of all the representatives necessary to complete this Committee, he cannot convene the initial meeting, and he would appreciate the help of the representatives of those faculties in accomplishing this

task. Further, on behalf of the Executive Committee, Professor Morgan said he had requested some time ago that the chairmen of the Senate committees submit reports to him on an evaluation of the appropriate roles of the committees by committee members. He said he had received, thus far, seven reports out of a total of sixteen, and he urged that committee chairmen submit these as soon as possible, because this information would be necessary when a review of the bylaws and organization of the Senate is undertaken by the Faculty Organization Plan Review Committee. Professor Morgan further advised the Senate that a communication on behalf of the Executive Committee would be sent by him to the deans of the schools and colleges in the next week or so calling to the deans' attention significant changes and requirements in the new Code affecting faculty. Also, he said, that under Section E of the new Code, a fifteen-member Grievance Committee was to be established for implementation of Article X of the Faculty Code, that this Committee would be elected at the next Senate meeting, and that any suggestions for nominees would be helpful.

Professor Griffith said he would like to comment on three things. He said he would first like to offer his congratulations and salutations to the University administration and to Acting Theater Director Nathan Garner and to any others who were involved in bringing the Peter Brooke production of "The Ik," along with the French Government Exhibit, to Washington and to this University as host. He said he thought this was a singular honor for GW since this production was going to appear at only five or six other universities across the country. Professor Griffith then said he had a question concerning an article which appeared in the Hatchet entitled "GW Profits Rise" which referred to an annual report without identifying the source of the report, and he asked if this report could be made available to the members of the Senate. President Elliott responded that he thought the report referred to was the Annual Report, which included the Treasurer's Report, and that he would be happy to make it available to all members of the Senate. Professor Griffith said that he would like to direct his next comments to the report distributed to Senate members at the last meeting from the Budget Office reporting on the status of the Library Budget in response to Senate Resolution 71/20 which recommended a 5% goal in Educational and General Expenditures for support of Library programs. In examining Schedule I of this report, Professor Griffith said it should be noted that the percentage of library expenditures relative to Educational and General Expenditures was falling and not rising; and he further pointed out that Schedule II reflected a 34.14% rise in library expenditures which was impressive until one subtracted the cost of inflation which, in effect, meant that there was only a 12% rise in library expenditures as a proportion of the overall budget over a three-year period. In light of this report then, Professor Griffith said he would like to ask the Chairman of the Library Committee if the administration, working with the Library Committee, made any attempt to develop an alternative policy with respect to the libraries other than the year-by-year allocation of resources by the Budget Committee on the basis of considerations to which it only is privy, and if the administration has explored with the Library Committee the implication of the report of the Provost to the Faculty Assembly on the Budget Committee's assumptions that there will be a rise in graduate enrollment in most of the divisions of the University of 5% over the next four years which would have implications for support of the libraries.

Professor Schmidt, on behalf of the Library Committee, replied that he thought the situation was far more complicated than Professor Griffith had supposed in that the situation which has developed in the last several years - in terms of inflation alone - was different from previous years. While it is true, he said, that the figures reflect a rather constant Educational and General Expenditures percentage, one has to analyze what that means in terms of specifics - support for acquisitions, for example. Professor Schmidt said that the present intention of the Library Committee was to review the past concerns it has had in terms of what were the most important matters that are a matter of fiscal policy and to determine what was best for the libraries in years ahead. This means facing up to matters the committee has

not had to confront before, such as changing library requirements and perhaps making selectivity more stringent. In his own department, for example, Professor Schmidt said that he would not expect the library to make a serious collection of the journals that he needed to use on a regular basis; that he would expect to go to other libraries for such materials; on the other hand, he said, this arrangement might not be appropriate at all in other departments, and because of these differing needs in various departments, the matter of selectivity was extremely important. He said that maybe we were coming to a period of disjunction where we could no longer think in terms of cumulative increases because of the steady rise in unforeseen problems which make the matter very complex. Professor Schmidt said that he would appreciate the help of Senate members by asking them to talk to their own departmental library representatives about these concerns.

Professor Schiff, on behalf of the Joint Committee of Faculty and Students, said he would like to advise the Senate that within the next few weeks they would be receiving a questionnaire regarding the policy on academic dishonesty which the Joint Committee was currently re-evaluating, and he would appreciate the cooperation of Senate members in completing and returning it; he said this questionnaire was being distributed to faculty members, deans, and departmental chairmen, and that there would be student input also.

Professor Kirsch said he wished to thank Mr. Robert K. Faris, Director of Men's Athletics, for making season tickets available for the basketball games at half price to the faculty again this year.

8 There being no further business, the President, upon motion made and seconded, adjourned the meeting at 3:50 p.m.



Robert Gebhardtsbauer
Secretary

The amendments adopted by the Board of Trustees are cited as follows:

- (1) Page 2, Paragraph 4. Research Staff
- (2) Page 15, Section XI. Health Service, Paragraph B.
- (3) Page 22, Paragraph D. FACULTY PARTICIPATION IN ACTION CONCERNING CURRICULUM
- (4) Page 26, Paragraph 6)
- (5) Page 30, Paragraph 5. Attorneys' Fees and Expenses

FACULTY CODE

Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all University faculty in all colleges, schools, divisions, departments, and comparable educational divisions. Constitutions, by-laws, and established procedures of governance devised by subdivisions of the University are subordinate to the letter and spirit of the Faculty Code.

I. Grades of Academic Personnel

The grades of academic personnel are:

A. RETIRED STATUS

Professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank for age or disability).

B. ACTIVE STATUS

1. Regular: Professor, associate professor, assistant professor, and instructor.

2. Limited Service: Adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, clinical professor, professorial lecturer, associate clinical professor, associate professorial lecturer, assistant clinical professor, assistant professorial lecturer, lecturer, special lecturer, studio lecturer, clinical instructor, teaching fellow, fellow, and graduate teaching assistant.

3. Visiting: Professor, associate professor, and assistant professor.

4. Research Staff

Bd. of Trustees

Amendment No. 1

10/21/76

Members of the research staff may be appointed, ~~by the Board of Trustees~~, upon recommendation of the appropriate faculty and officers of the administration, as research professor, associate research professor, assistant research professor, and research instructor. Such appointments do not provide tenure.

II. Academic Freedom

A. A faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University.

B. A faculty member shall enjoy freedom of expression. In the classroom a faculty member's exposition shall be guided by requirements of effective teaching. In speaking and writing outside the University a faculty member shall not attribute his personal views to the University.

III. Professional Responsibilities

A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.

B. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom they shall be responsible for the character of the instruction, the maintenance of good order, and

The rights, privileges, and responsibilities of a faculty member conferred by this Code shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities, or a charge of unfair or discriminatory treatment based on race, color, religion, sex, national origin, or other considerations prohibited by law with regard to conditions of employment shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administration officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

XI. Health Service

A. The University, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

Bd. of Trustees B. The facilities of the ^{Emergency Room are} ~~Health-Clinic shall be~~ available to members
Amendment No. 2
10/21/76 of the faculty in emergencies resulting from accidents or sudden, serious
illness while on campus. ~~Such medical services shall be limited to necessary~~
~~first aid.~~

XII. Construction

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

academic matters is limited to that unit or group of units. The regular active status faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.

b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the University.

5. President of the University

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

D. FACULTY PARTICIPATION IN ACTION CONCERNING CURRICULUM

Bd. of Trustees
Amendment No. 3
10/21/76

The regular active status faculty members of the rank of assistant professor and higher of each school or college shall establish procedures for their participation, directly or through elected standing committees, in college or other academic unit shall formulate procedures by which they decisions relating to the addition, revision, or elimination of curricular or an elected standing committee shall participate in the addition, revision, offerings, and elimination of curricular offerings. No academic course, program, or credit requirement shall be added or altered without the concurrence of such faculty or committee.

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

1. Grievance Committee

a) The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom

request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party, ^{or the Hearing Committee,} the Hearing Committee shall determine that it is in the best interests of the University and the parties that the hearings be closed.

the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. Procedure for Hearings

a) The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. Appeals

a) The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

5. Attorneys' Fees and Expenses

If a faculty member prevails against charges brought against him, the University may, upon recommendation of the Hearing Committee, reimburse pursuant to this Part, the University shall reimburse the faculty member the faculty member concerned for all or part of attorneys' fees and expenses concerned for the reasonable attorneys' fees and expenses actually incurred actually incurred in his or her defense.

~~in his or her defense.~~

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

The Faculty Senate

November 3, 1976

The Faculty Senate will meet on Friday, November 12, 1976, at 2:10 p.m., in the Faculty Conference Room on the sixth floor of Lisner Hall.

AGENDA

1. Call to order
2. Minutes of the regular meeting of October 8, 1976
3. Old Business:

Report on Board of Trustees' action with respect to the recommended revision of the Faculty Code, Professor John A. Morgan, Jr., Chairman, Executive Committee of the Faculty Senate

4. Resolutions:

A RESOLUTION CONCERNING FACULTY RETENTION, TENURE, AND PROMOTION RECOMMENDATIONS (76/6), Professor S. David Rockoff, Chairman, Committee on Administrative Matters as They Affect the Faculty (resolution attached)

5. Election of Special Committee in the case of Chei-Min Paik, Associate Professor, Department of Accounting, concerning alleged violation of the Faculty Code, Procedures for the Implementation of the Faculty Code, Section E. 2. Preliminary Proceedings; nomination by the Executive Committee

6. General Business:

Nomination for election of Joseph W. Fleck, Associate Professor of Education, to the Committee on University Objectives

7. Brief Statements

8. Adjournment



Robert Gebhardt Bauer
Secretary

A RESOLUTION CONCERNING FACULTY RETENTION,
TENURE, AND PROMOTION RECOMMENDATIONS (76/6)

WHEREAS, the faculty wishes to develop a formula for all departments within the University to use, relative to informing faculty members of their retention, tenure, and promotion, during deliberation of these actions, and then to give the opportunity for the appropriate participation by the faculty member under consideration in these processes; now, therefore,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate recommends:

1. That each faculty member should be communicated with relative to the evaluation of his performance by his chairman at least once a year, prior to submission of the recommendations to the School Administration. The nature and extent of documentation, on which evaluation are based, will be a departmental prerogative;
2. That the faculty member has the right to discuss status of his or her re-appointment, promotion, or tenure with the appropriate body within the faculty member's School prior to the recommendation being made to the administration of the School (e.g. Dean); and
3. That the final recommendation within the School shall be communicated to the faculty member by the appropriate person (i.e. Dean, Departmental Chairman, Chairman of the Appointments, Promotion and Tenure Committee of the Department or School) as shall be determined within each School, at the time the annual report is submitted to the Provost.

Committee on Administrative Matters as
They Affect the Faculty
October 1, 1976